

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 11,636
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare finding her eligible for only \$30 per month in supplemental fuel benefits. The issue is whether the Department's calculations are in accord with the pertinent regulations.

FINDINGS OF FACT

The facts are not in dispute. The petitioner and her child receive ANFC benefits of \$523.00 a month. They reside in an apartment that includes heat and utilities in the rent of \$500.00 a month. On October 15, 1992, the Department notified the petitioner that beginning in November, 1992, she would be receiving \$30.00 per month in supplemental fuel benefits.

The petitioner maintains that since she in effect pays for heat on a year-round basis, she should receive a higher supplemental fuel allotment than that which the Department has determined. At the hearing in this matter (held on December 3, 1992) the Department explained to the petitioner how her benefits were calculated. The petitioner did not dispute that the Department's calculations were in accord with the pertinent regulations.

ORDER

The Department's decision is affirmed.

REASONS

Under Section 2907 of the supplemental fuel regulations a household's "base benefit level" is determined based on that household's monthly income. Then, depending on the household's "fuel type classification" (which is based on the type of fuel the household uses for heat, and whether or not heat is included in the rent), the household receives a "ratio" of their base benefit level as their monthly supplemental fuel payment. Unfortunately for the petitioner herein, the ratio for a "heated rental household" is one of the lowest--only 30 percent of the base benefit level. See Procedures Manual § P-2905(C). In addition, because of inadequate funding, the Department pays all households only 85 percent of their "calculated benefit amounts". Id. § P-2905(F).

The hearing officer carefully went over with the petitioner and the Department the regulations and the calculations used to determine the petitioner's benefit amount; and they appear to be accurate. Thus, the board is bound, as a matter of law, to affirm the Department's decision. 3

V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

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